

Article - Real Property

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§11B–111.9.

(a) (1) In this section the following words have the meanings indicated.

(2) “Composting” means the controlled aerobic biological decomposition of organic waste material.

(3) “Composting facility” has the meaning stated in § 9–1701 of the Environment Article.

(4) “Local jurisdiction” means the county or municipality where the homeowners association is located.

(b) A recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a homeowners association may not prohibit or unreasonably restrict a lot owner from:

(1) Composting organic waste materials for the lot owner’s personal or household use, provided that the lot owner:

(i) Owns or has the right to exclusive use of the area where the composting is conducted; and

(ii) Observes all laws, ordinances, and regulations of the State and local jurisdiction that pertain to composting; or

(2) Contracting with a private entity to collect organic waste materials from the lot owner for composting at a composting facility.

(c) A recorded covenant or restriction, a provision in a declaration, or a provision in the bylaws or rules of a homeowners association that unreasonably impedes the ability of a private entity to access the common elements for the purpose of collecting organic waste materials from a lot owner shall be interpreted as a restriction on the lot owner’s right to contract for private composting services under subsection (b)(2) of this section.

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